

**EXHIBIT 9**

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JENNIFER JEHN  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
SANDRA GUZMAN,  
Plaintiff,  
-against- 09CIV9323 (BSJ) (RLE)  
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
THE NEW YORK POST, and COL ALLAN, in his  
official and individual capacities,

Defendants.  
-----X  
AUSTIN FENNER and IKIMULISA LIVINGSTON,  
Plaintiffs,  
-against- 09CIV9832 (BSJ) (RLE)  
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
THE NEW YORK POST and DAN GREENFIELD and  
MICHELLE GOTTHELF,

Defendants.  
-----X

VIDEOTAPED DEPOSITION OF JENNIFER JEHN  
New York, New York  
Tuesday, June 26, 2012  
REPORTED BY: BARBARA R. ZELTMAN  
(BOBBIE)  
Professional Stenographic Reporter  
Job Number: 51052

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1 JENNIFER JEHN  
 2 "Q. What other ways would be a way  
 3 to retaliate against an employee other  
 4 than losing their job?")  
 5 (End of read-back.)  
 6 A If an employee had responsibilities  
 7 taken away from them because they filed a  
 8 complaint against their supervisor.  
 9 Q Any other ways?  
 10 MR. LERNER: Objection.  
 11 A I don't remember.  
 12 Q When you were head of HR in 2009,  
 13 were employees advised about how to file a  
 14 complaint of harassment or discrimination?  
 15 MR. LERNER: Objection.  
 16 You can answer if you understand  
 17 the question.  
 18 A Employees were advised that they  
 19 can make a complaint to New York Post Human  
 20 Resources, they can complain to their  
 21 manager, they can report it to an alert  
 22 line.  
 23 Q What is Alert Line?  
 24 A An alert line is made available to  
 25 New York Post employees that they can file a

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1 JENNIFER JEHN  
 2 complain to.  
 3 Q Suppose an employee of The New York  
 4 Post wanted to make a complaint to Jordan  
 5 Lippner? Would that be acceptable, in your  
 6 experience as head of HR for The New York  
 7 Post?  
 8 MR. LERNER: Objection.  
 9 Do you understand the question?  
 10 THE WITNESS: Actually, I don't  
 11 understand the question.  
 12 BY MR. CLARK:  
 13 Q Would it be an acceptable way to  
 14 complain about employment discrimination for  
 15 an employee of The New York Post to complain  
 16 to Jordan Lippner?  
 17 MR. LERNER: Objection.  
 18 A New York Post employees can  
 19 complain to HR, their manager, an alert  
 20 line. That's who they can complain to.  
 21 Q So your answer is no, it would  
 22 not -- complaining to Jordan Lippner would  
 23 not be an acceptable way in your view to  
 24 make a complaint about employment  
 25 discrimination as an employee of The New

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1 JENNIFER JEHN  
 2 complaint or grievance.  
 3 Q Who runs this alert line that New  
 4 York Post employees can call to complain  
 5 about a complaint?  
 6 MR. LERNER: Objection.  
 7 Q To complain about a grievance.  
 8 A I don't know who runs it.  
 9 Q Does The New York Post run it?  
 10 MR. LERNER: Objection.  
 11 A I don't know.  
 12 Q Is there one alert line for all of  
 13 the NewsCorp. subsidiaries?  
 14 A I don't know.  
 15 Q From what you described, are there  
 16 any other ways that an employee can complain  
 17 about employment discrimination?  
 18 A An employee can complain to their  
 19 manager, to Human Resources, anyone in Human  
 20 Resources, and to the alert line.  
 21 Q Could an employee of The New York  
 22 Post complain to an attorney?  
 23 A Employees at The New York Post can  
 24 complain to HR, their manager, the alert  
 25 line. That's who they know they can

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1 JENNIFER JEHN  
 2 York Post?  
 3 MR. LERNER: Objection.  
 4 A Can you repeat the question?  
 5 MR. CLARK: Could you read it  
 6 back?  
 7 (Requested portion of record read:  
 8 "Q. So your answer is no, it would  
 9 not -- complaining to Jordan Lippner  
 10 would not be an acceptable way in your  
 11 view to make a complaint about employment  
 12 discrimination as an employee of The New  
 13 York Post?")  
 14 (End of read-back.)  
 15 A Jordan Lippner, as a resource to  
 16 Human Resources at The New York Post, a New  
 17 York Post employee could make a complaint to  
 18 him.  
 19 Q So it would be an acceptable way to  
 20 make a complaint if you were an employee of  
 21 The New York Post?  
 22 MR. LERNER: Objection. I  
 23 think the issue is the word  
 24 "acceptable."  
 25 I don't know what it means but I

<p style="text-align: right;">Page 190</p> <p>1 JENNIFER JEHN</p> <p>2 Q And had you ever seen her cry prior</p> <p>3 to that day?</p> <p>4 A No.</p> <p>5 Q Was Sandra Guzman alone in the</p> <p>6 office when you first arrived?</p> <p>7 A Yes.</p> <p>8 Q And were you two alone the entire</p> <p>9 time you spoke with her that day?</p> <p>10 A Yes.</p> <p>11 Q Do you know if there was anyone</p> <p>12 else in the area that might have overheard</p> <p>13 the conversation?</p> <p>14 A I don't know.</p> <p>15 Q Was the door open or closed?</p> <p>16 MR. LERNER: During the</p> <p>17 conversation?</p> <p>18 MR. CLARK: During the</p> <p>19 conversation with Ms. Guzman.</p> <p>20 A Open.</p> <p>21 Q Did Ms. Guzman have a couch in her</p> <p>22 office at the time?</p> <p>23 A Yes.</p> <p>24 Q Did either of you sit on the couch</p> <p>25 during the meeting?</p>	<p style="text-align: right;">Page 191</p> <p>1 JENNIFER JEHN</p> <p>2 A I sat on the couch.</p> <p>3 Q Where did Ms. Guzman sit?</p> <p>4 A Behind her desk.</p> <p>5 Q In substance, what did Ms. Guzman</p> <p>6 say to you about the cartoon during this</p> <p>7 meeting?</p> <p>8 A Sandra said to me that the cartoon</p> <p>9 was offensive. She said the cartoon was</p> <p>10 racist. She was upset that The Post</p> <p>11 published a racist cartoon.</p> <p>12 She asked me if I knew who selected</p> <p>13 the cartoon. I said I don't know anything</p> <p>14 about the cartoon selection.</p> <p>15 She said -- she asked me if I had</p> <p>16 heard that other editors thought the cartoon</p> <p>17 was offensive before it was published.</p> <p>18 I said I hadn't heard that. I</p> <p>19 asked her how she heard that. And she said</p> <p>20 she heard it.</p> <p>21 I said I don't know how the cartoon</p> <p>22 was published and I don't know how she knows</p> <p>23 how it was published. It's hearsay.</p> <p>24 She asked me how -- she said she</p> <p>25 was upset about being associated with the</p>
<p style="text-align: right;">Page 192</p> <p>1 JENNIFER JEHN</p> <p>2 content of the offensive cartoon that was</p> <p>3 published. She did not want to be</p> <p>4 associated with the cartoon.</p> <p>5 She said she was getting e-mails</p> <p>6 and phone calls and she wanted to respond.</p> <p>7 I said I could feel however she</p> <p>8 felt about the content of the cartoon and --</p> <p>9 but I reminded her, as I did with other</p> <p>10 managers, that she, you know, could not talk</p> <p>11 to the press or to the media.</p> <p>12 I explained that she could forward</p> <p>13 the e-mails to the City Desk.</p> <p>14 She mentioned that Paula Froelich</p> <p>15 had put some response on her phone. And she</p> <p>16 asked me if I knew about that and I said I</p> <p>17 didn't know anything about.</p> <p>18 I said she could feel however she</p> <p>19 felt and tell people however she felt about</p> <p>20 the cartoon.</p> <p>21 I asked her if she had talked to</p> <p>22 other people that thought the cartoon was</p> <p>23 offensive and people that didn't think the</p> <p>24 cartoon was offensive. She got upset and</p> <p>25 said the cartoon was offensive and racist.</p>	<p style="text-align: right;">Page 193</p> <p>1 JENNIFER JEHN</p> <p>2 I then said: I can see you are</p> <p>3 upset. I'll let you calm down. Come and</p> <p>4 see me if there's anything you want to talk</p> <p>5 about.</p> <p>6 And she said that The Post was</p> <p>7 going to have lawsuits.</p> <p>8 I said: If we do, I'll deal with</p> <p>9 it. Please send anybody to come and see me</p> <p>10 or anybody else in the Human Resources</p> <p>11 Department.</p> <p>12 Q Did Ms. Guzman tell you that the</p> <p>13 cartoon reflected a racist work environment</p> <p>14 at The Post?</p> <p>15 A She did not.</p> <p>16 Q Did she tell you that the cartoon</p> <p>17 reflected a sexist work environment at The</p> <p>18 Post?</p> <p>19 A She did not.</p> <p>20 Q Did you take her complaint to be --</p> <p>21 strike that.</p> <p>22 Did you take her statement to be a</p> <p>23 complaint of employment discrimination?</p> <p>24 A I did not.</p> <p>25 Q Why not?</p>

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1 JENNIFER JEHN  
 2 A She was complaining about the  
 3 content of the cartoon that was published.  
 4 She was upset about it. She didn't want to  
 5 be associated with it. She was complaining  
 6 all about the cartoon.  
 7 Q Did Sandra Guzman explain why she  
 8 thought the cartoon was racist?  
 9 A She did not.  
 10 Q Did she explain why she found the  
 11 cartoon offensive?  
 12 A She did not.  
 13 Q Did you ask the Sandra Guzman why  
 14 she found the cartoon to be racist?  
 15 A I didn't.  
 16 Q Why not?  
 17 A I was listening. She was  
 18 complaining about the cartoon.  
 19 I didn't ask her.  
 20 Q Did you ask her why she thought the  
 21 cartoon was offensive?  
 22 A I didn't ask her why.  
 23 Q Why not?  
 24 A She was complaining about the  
 25 content of the cartoon. She was upset about

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1 JENNIFER JEHN  
 2 A She did not.  
 3 Q Are you certain that Ms. Guzman  
 4 never said that the cartoon reflected a  
 5 racist environment at The Post?  
 6 A She said The Post published a  
 7 cartoon that was offensive and racist.  
 8 Q I don't think you answered the  
 9 question.  
 10 The question was: Are you certain  
 11 that Ms. Guzman never said that the cartoon  
 12 reflected a racist environment at The Post?  
 13 A Yes.  
 14 Q And are you certain that Sandra  
 15 Guzman never said that the cartoon reflected  
 16 a sexist environment at The Post?  
 17 A Yes.  
 18 Q Did Ms. Guzman ever discuss --  
 19 strike that.  
 20 During this meeting with Ms. Guzman  
 21 in her office, did Ms. Guzman ever discuss  
 22 the work environment at The Post in any way?  
 23 A I need you to repeat that question.  
 24 THE WITNESS: Can I take a  
 25 drink of water for a second.

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1 JENNIFER JEHN  
 2 the content of the cartoon. I knew she was  
 3 upset about with the cartoon. I didn't ask  
 4 her why.  
 5 Q Were you not concerned why she was  
 6 upset about the cartoon?  
 7 MR. LERNER: Objection.  
 8 A I was concerned that she was upset.  
 9 She had told me she was upset about  
 10 the content of the cartoon.  
 11 I was concerned that she was upset.  
 12 Q But the question was: Why didn't  
 13 you ask her more specifically why she was  
 14 upset about the cartoon?  
 15 MR. LERNER: Objection.  
 16 A I didn't ask her why she was upset  
 17 about the content of the cartoon because I  
 18 wasn't there to ask her questions. I was  
 19 there to listen to her and hear why -- that  
 20 she was upset about the content of the  
 21 published cartoon.  
 22 Q Now, during this conversation with  
 23 Ms. Guzman in her office, did she ever  
 24 complain at all about the work environment  
 25 at The New York Post?

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1 JENNIFER JEHN  
 2 Q During the meeting we've been  
 3 discussing, did Ms. Guzman ever make any  
 4 comments about with the work environment at  
 5 The Post?  
 6 A She did not.  
 7 Q Did she ever -- who is Michael  
 8 Reidel?  
 9 A He works at The Post.  
 10 Q Do you know what his position is?  
 11 A I can't say for certain, but I  
 12 think he writes about the theatre.  
 13 Q During this conversation with  
 14 Ms. Guzman that day, did Michael Riedel's  
 15 name ever come up?  
 16 A No.  
 17 Q Do you recall her ever mentioning  
 18 Michael Riedel singing songs from West Side  
 19 Story?  
 20 A No.  
 21 Q During this conversation with  
 22 Ms. Guzman, did she ever complain to you  
 23 about sexist behavior at The Post?  
 24 A No.  
 25 Q Did Sandra Guzman mention Col Allan

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<p>1 JENNIFER JEHN</p> <p>2 during this conversation?</p> <p>3 A No.</p> <p>4 Q So Sandra Guzman never complained</p> <p>5 to you about Col Allan showing her a</p> <p>6 photograph of a naked man?</p> <p>7 A No.</p> <p>8 Q Sandra Guzman never complained to</p> <p>9 you about Col Allan showing other employees</p> <p>10 photos of a naked man?</p> <p>11 A No.</p> <p>12 Q And when you say he never showed --</p> <p>13 or she never complained about showing</p> <p>14 pictures of a naked man to employees, he</p> <p>15 never -- it's your testimony that she never</p> <p>16 complained that Col Allan showed female</p> <p>17 employees pictures of a naked man?</p> <p>18 A No, she never complained about</p> <p>19 that.</p> <p>20 Q And you never took any notes during</p> <p>21 this meeting with Ms. Guzman; is that</p> <p>22 correct?</p> <p>23 A I did not.</p> <p>24 Q If Col Allan had shown Sandra</p> <p>25 Guzman a photograph of a naked man, would</p>	<p>1 JENNIFER JEHN</p> <p>2 this violate the sexual harassment -- the</p> <p>3 policy against sexual harassment at The New</p> <p>4 York Post?</p> <p>5 A That would depend upon the</p> <p>6 circumstances.</p> <p>7 Q Well, what circumstances would it</p> <p>8 be appropriate for a supervisor to show a</p> <p>9 subordinate a picture of a naked man to a</p> <p>10 female employee?</p> <p>11 MR. LERNER: Objection.</p> <p>12 A It depends upon the circumstances.</p> <p>13 I would have to investigate.</p> <p>14 Q And why didn't you take any notes</p> <p>15 about this meeting with Ms. Guzman at the</p> <p>16 time?</p> <p>17 A I was not conducting an</p> <p>18 investigation about a complaint about the</p> <p>19 workplace, and I was talking to Sandra about</p> <p>20 being upset about the content published in</p> <p>21 the paper of a cartoon.</p> <p>22 Q Did Sandra Guzman ever tell you</p> <p>23 that she was hurt by the cartoon?</p> <p>24 A Sandra said she was upset about the</p> <p>25 cartoon.</p>
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<p>1 JENNIFER JEHN</p> <p>2 Q Did she specifically say she was</p> <p>3 hurt?</p> <p>4 A I don't recall specifically the</p> <p>5 word "hurt."</p> <p>6 Q Did Sandra Guzman ever tell you</p> <p>7 that she thought the cartoon illustrated The</p> <p>8 Post having a racist work environment?</p> <p>9 A Can you repeat that, please.</p> <p>10 Q Did Sandra Guzman ever tell you</p> <p>11 that she thought that the cartoon</p> <p>12 illustrated The Post having a racist work</p> <p>13 environment?</p> <p>14 A She didn't.</p> <p>15 Q And you are sure she made no</p> <p>16 comments charging a racist work environment</p> <p>17 at The Post during this conversation?</p> <p>18 A Sandra was complaining about the</p> <p>19 content of the cartoon.</p> <p>20 Q So are you sure that she never said</p> <p>21 that the cartoon illustrated The Post having</p> <p>22 a racist work environment?</p> <p>23 A Yes.</p> <p>24 Q Are you certain?</p> <p>25 MR. LERNER: Objection.</p>	<p>1 JENNIFER JEHN</p> <p>2 A I'm sorry. I need you to repeat</p> <p>3 the question.</p> <p>4 Q Are you certain?</p> <p>5 A Oh, yes.</p> <p>6 Q Did Sandra Guzman ever tell you</p> <p>7 that she thought the cartoon illustrated The</p> <p>8 Post having a sexist workplace?</p> <p>9 A She did not.</p> <p>10 Q Are you sure?</p> <p>11 A Yes.</p> <p>12 Q Ms. Jehn, are you aware that The</p> <p>13 New York Post submitted a position statement</p> <p>14 to the Equal Employment Opportunities</p> <p>15 Commission in this case?</p> <p>16 A Yes, I am aware of that.</p> <p>17 Q Did you help to prepare that EEOC</p> <p>18 statement?</p> <p>19 A I did not.</p> <p>20 Q Were you interviewed to get your</p> <p>21 input with respect to putting together the</p> <p>22 EEOC statement?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A I talked to the lawyer.</p> <p>25 Q Did you review the position</p>



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A It was a decision made by consensus by our Executive Committee that the Tempo section was going to be reduced in its frequency, which that decision resulted in the position elimination and that position was the editor's position.

Q Who participated in this decision to eliminate Sandra Guzman's position?

A The Executive Committee.

Q Who does that include?

Withdraw that.

Was this a decision made at a specific meeting of the Executive Committee? Strike the last question.

Who was on the Executive Committee in 2009 when this decision to reduce Tempo was made and to eliminate Sandra Guzman's position?

A I don't recall all the members of Executive Committee on that day.

Q Who do you recall being on the Executive Committee in 2009?

A I recall myself, Col Allan, Paul Carlucci, Michael Racano, Howard Adler, Amy

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JENNIFER JEHN

eliminated as a result of that.

Q So did the Executive Committee decide to eliminate Sandra Guzman's position?

A The Executive Committee, yes, did decide to eliminate the position of editor of Tempo.

Q Did the Executive Committee decide to lay off Sandra Guzman?

A We didn't talk specifically about Sandra Guzman but we decided that the editor position would be eliminated.

Q What do you mean "we decided it would be eliminated"? Who are you talking about?

A The Executive Committee.

Q Did Col Allan have a role in determining to lay off Sandra Guzman?

MR. LERNER: Objection.

A Yes. He was part of the Executive Committee.

Q What did he say at that meeting?

A I don't recall.

Q What did you say at the meeting?

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JENNIFER JEHN

Scaldone, Patrick Judge, Chris Shaw.

Q Was Les Goodstein on the Executive Committee in 2009?

A I don't know if Les Goodstein is a member of the Executive Committee.

Q Why do you not know if Les Goodstein is on the Executive Committee?

MR. LERNER: Objection.

A He participants in Executive Committee. I don't know if he's a member of Executive Committee.

Q Was Les Goodstein present at the committee meeting in which it was decided that the frequency of Tempo would be reduced which would result in the elimination of Sandra Guzman's position?

A I don't recall if he was present specifically.

Q What do you mean that "reducing the frequency of the section would result in the elimination of Sandra Guzman's position"?

MR. LERNER: Objection.

A The Tempo section was going to be produced less, and the editor's position was

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JENNIFER JEHN

A I don't recall.

Q Do you recall Paul Carlucci saying anything?

A I don't recall what he said.

Q Do you recall anything said by anyone at that meeting with respect to Tempo and Sandra Guzman?

MR. LERNER: Objection.

A I recall that we agreed that the Tempo section was going to be reduced and then that would result in the Tempo editor position being eliminated.

Q When you say the Tempo section and the editor of Tempo being eliminated, does that necessarily mean that Sandra Guzman would be laid off?

MR. LERNER: Objection.

A That means that the position of the Tempo editor would have been eliminated. There are options when you have those discussions.

We decided that the position, the Tempo position, editor position, was going to be eliminated.

<p style="text-align: right;">Page 246</p> <p>1 JENNIFER JEHN</p> <p>2 And did Amy do that? Did she look</p> <p>3 at other options?</p> <p>4 MR. LERNER: Objection.</p> <p>5 A I believe she did.</p> <p>6 Q Did you speak to any other editor</p> <p>7 at The New York Post about the possibility</p> <p>8 of transferring Sandra Guzman to another</p> <p>9 job?</p> <p>10 A I did not.</p> <p>11 Q Did you ever speak to Paul Carlucci</p> <p>12 about the possibility of transferring Sandra</p> <p>13 Guzman to another job?</p> <p>14 A I did not.</p> <p>15 Q Other than Amy, did you speak to</p> <p>16 anyone else at all about the possibility of</p> <p>17 transferring Ms. Guzman to another job?</p> <p>18 A I didn't.</p> <p>19 Q Did you ever tell Col Allan that</p> <p>20 Sandra Guzman had complained about the</p> <p>21 cartoon in February?</p> <p>22 A Yes.</p> <p>23 Q When did you tell Col Allan that?</p> <p>24 A Around after the cartoon.</p> <p>25 Q In February 2009?</p>	<p style="text-align: right;">Page 247</p> <p>1 JENNIFER JEHN</p> <p>2 A Yes.</p> <p>3 Q How soon after the cartoon was</p> <p>4 published do you think you had the</p> <p>5 conversation?</p> <p>6 A Within a couple days.</p> <p>7 Q And what did you tell Col Allan</p> <p>8 about Sandra Guzman's complaint?</p> <p>9 A I told Col Allan that Sandra</p> <p>10 complained about the content of the cartoon</p> <p>11 being published.</p> <p>12 Q And did you speak to Col Allan in</p> <p>13 person?</p> <p>14 A No.</p> <p>15 Q Did you speak to him over the</p> <p>16 phone?</p> <p>17 A Yes.</p> <p>18 Q Did he call you or did you call</p> <p>19 him?</p> <p>20 A I don't recall.</p> <p>21 Q Do you recall anything else you</p> <p>22 told Col Allan about Sandra Guzman's</p> <p>23 complaint?</p> <p>24 A I told Col Allan that employees</p> <p>25 were upset about the content of the cartoon.</p>
<p style="text-align: right;">Page 248</p> <p>1 JENNIFER JEHN</p> <p>2 Q Did you name other employees in</p> <p>3 addition to Sandra Guzman?</p> <p>4 A I don't recall.</p> <p>5 Q So as you sit here today, the only</p> <p>6 employee you can recall specifically</p> <p>7 speaking to Col Allan about in reference to</p> <p>8 the cartoon was Sandra Guzman?</p> <p>9 A Yes.</p> <p>10 Q And what was Col Allan's reaction?</p> <p>11 A He said "Okay" and "Thank you."</p> <p>12 Q That's it?</p> <p>13 A Yes.</p> <p>14 Q Why did you tell Col Allan about</p> <p>15 this situation with Sandra Guzman?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A I told Col Allan about Sandra being</p> <p>18 upset about the content of the cartoon</p> <p>19 because she was upset.</p> <p>20 Q I don't follow. Why did you tell</p> <p>21 Col Allan that?</p> <p>22 A I told Col because Sandra was more</p> <p>23 upset.</p> <p>24 Q I'm sorry. I'm just not following</p> <p>25 you.</p>	<p style="text-align: right;">Page 249</p> <p>1 JENNIFER JEHN</p> <p>2 What was your reasoning that you</p> <p>3 thought that you should tell Col Allan as</p> <p>4 opposed to everyone else at the paper?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A I told Col Allan because he was/is</p> <p>7 the editor of The New York Post.</p> <p>8 Q Do you think that he would want to</p> <p>9 know about Sandra Guzman complaining about</p> <p>10 the cartoon?</p> <p>11 A Yes.</p> <p>12 Q Why do you think he would want to</p> <p>13 know about it?</p> <p>14 A I think he would want to know about</p> <p>15 employees complaining about the content of</p> <p>16 the cartoon and I think he would want to</p> <p>17 know about Sandra complaining about the</p> <p>18 cartoon.</p> <p>19 Q And specifically why would he want</p> <p>20 to know about Sandra complaining about the</p> <p>21 cartoon?</p> <p>22 MR. LERNER: Objection.</p> <p>23 Q If you know.</p> <p>24 A I don't know specifically why he</p> <p>25 would want to know. I don't know --</p>



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1 JENNIFER JEHN

2 Q So did the committee tell  
3 Mr. Rabinowitz to add this sentence to the  
4 APA?

5 A The committee agreed that the  
6 written warning was applicable to the  
7 performance appraisal, and Joe agreed and he  
8 wrote it into the review.

9 Q You said Mr. Rabinowitz agreed with  
10 that.

11 How did he express his agreement  
12 that this should be added to the review?

13 A I recall that when I asked him if  
14 he was on final -- if Sandra was on final  
15 warning, he said that --

16 MR. LERNER: Excuse me. Final?

17 THE WITNESS: Sorry. Written  
18 warning.

19 A -- she was on written warning and  
20 he said that, he expressed he didn't -- at  
21 the time when he was doing the review, he in  
22 writing it he didn't remember that.

23 So when I brought up the question  
24 if she was on it, he then agreed that the  
25 written warning should be factored into the

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1 JENNIFER JEHN

2 Q So you are saying, yes, if you got  
3 a written warning, you would automatically  
4 have to have a lower rating.

5 Is that what you are saying?

6 MR. LERNER: Objection.

7 Go ahead. We didn't mean to  
8 distract you. Do you need the question  
9 repeated?

10 THE WITNESS: I do.

11 (Requested portion of record read:

12 "Q. So you are saying, yes, if you  
13 got a written warning, you would  
14 automatically have to have a lower  
15 rating.

16 "Is that what you are saying?")

17 (End of read-back.)

18 A It depends upon what it's being  
19 compared to.

20 Q So, no, just because you got a  
21 written warning wouldn't necessarily mean  
22 your APA would be lower for that year?

23 A If someone was on a written  
24 performance warning, they would not be rated  
25 Exceeds Standard.

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2 review.

3 Q Why was the fact that she had a  
4 written warning relevant to her APA  
5 evaluation?

6 MR. LERNER: Objection. In

7 Ms. Jehn's view?

8 MR. CLARK: Yes.

9 A Could you repeat the question?

10 Q Why was the fact that Ms. Guzman  
11 had received a written warning relevant to  
12 her APA rating?

13 A Because Ms. Guzman had breached the  
14 Business Code of Conduct and she was on  
15 written warning for that and that's about  
16 performance.

17 Q So would anyone who received a  
18 written warning automatically get knocked  
19 down one point?

20 MR. LERNER: Objection.

21 A It depends upon if the written  
22 warning was already factored into the  
23 review, into the rating. We'd have a  
24 discussion about that.

25 In Sandra's review, it wasn't.

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2 Q Why not?

3 A A written warning about someone's  
4 performance means that they are not meeting  
5 some criteria of their job responsibilities,  
6 and so Exceeds Standards wouldn't be an  
7 appropriate rating for that if someone isn't  
8 doing their job functions, job  
9 responsibilities well.

10 Q What did Ms. Guzman receive a  
11 written warning for in 2009?

12 A She was on written warning for a  
13 breach of the Business Code of Conduct.

14 Q How did that affect her ability to  
15 do her job?

16 MR. LERNER: Objection.

17 That wasn't her testimony.

18 MR. CLARK: I don't care what  
19 her testimony is.

20 Q The question is: How did the fact  
21 that you alleged Ms. Guzman had breached the  
22 standards of business conduct affect  
23 Ms. Guzman's ability to do her job as  
24 editor?

25 MR. LERNER: Objection.

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1 JENNIFER JEHN  
 2 MR. LERNER: Objection.  
 3 A He participated in the meetings.  
 4 Q Do you know how frequently you saw  
 5 Mr. Goodstein at meetings?  
 6 A I don't know the frequency.  
 7 Q Was it most of the time?  
 8 A I don't know the frequency.  
 9 Q Did you ever interact with Col  
 10 Allan outside of the Executive Committee  
 11 meetings?  
 12 A Yes.  
 13 Q How often would you interact with  
 14 Col Allan other than at the Executive  
 15 Committee meetings?  
 16 MR. LERNER: Objection. When?  
 17 MR. CLARK: In 2009.  
 18 A I don't recall.  
 19 Q Was it a common occurrence or was  
 20 it something that happened now and then?  
 21 MR. LERNER: Objection.  
 22 A I don't recall.  
 23 Q Have you ever heard Col Allan yell  
 24 at anyone?  
 25 MR. LERNER: Objection.

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1 JENNIFER JEHN  
 2 Q Is it something that as head of HR  
 3 you would condone?  
 4 MR. LERNER: Objection.  
 5 The question now is: Is it  
 6 something that as of HR you would  
 7 condone?  
 8 A It depends upon the circumstances.  
 9 Q When Col Allan yelled at you, did  
 10 he also curse at you?  
 11 A No.  
 12 Q Have you ever heard him curse at  
 13 anyone?  
 14 A I don't recall.  
 15 Q Do you know of any complaints by  
 16 employees that Col Allan yelled at them?  
 17 A No.  
 18 Q When Col Allan yelled at you, did  
 19 you have any conversations with him about  
 20 the propriety of him yelling at you?  
 21 MR. LERNER: Objection.  
 22 You can answer.  
 23 A Yes.  
 24 Q What did you tell him?  
 25 A I told him that I didn't appreciate

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1 JENNIFER JEHN  
 2 A Yes.  
 3 Q Who have you heard him yell at?  
 4 A Me.  
 5 Q And what did he yell at you?  
 6 A He yelled at me about a promotion  
 7 in The New York Post that didn't appear or  
 8 go the way that he expected.  
 9 Q Is that the only time he's yelled  
 10 at you?  
 11 A He yelled at me about a Management  
 12 Council newsletter I sent once.  
 13 Q Were those the only two times that  
 14 Col Allan has yelled at you?  
 15 A I don't remember any more.  
 16 Q Do you think it's appropriate for  
 17 Col Allan to yell at an employee?  
 18 MR. LERNER: Objection.  
 19 A I don't understand what you mean by  
 20 "appropriate."  
 21 Q Is it appropriate for Col Allan to  
 22 yell at employees at The New York Post?  
 23 MR. LERNER: Objection.  
 24 Q Is it proper?  
 25 MR. LERNER: Objection.

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 2 it when he yelled at me.  
 3 Q Is that all you said?  
 4 A Yes.  
 5 Q Were you head of HR when he yelled  
 6 at you?  
 7 A Yes.  
 8 Q And did you tell him, as head of  
 9 HR, that he should not be yelling at  
 10 employees?  
 11 A I told him in my capacity as the  
 12 person responsible for the promotion that I  
 13 didn't appreciate that he was yelling at me.  
 14 Q Have you ever told Col Allan that  
 15 he should not yell at employees?  
 16 A I don't recall.  
 17 Q Do you know if anyone has ever  
 18 complained to HR about Col Allan cursing at  
 19 them?  
 20 A I don't know.  
 21 Q Do you know if Col Allan ever  
 22 referred to an employee as a "damn girl"?  
 23 A Can you repeat that question?  
 24 Q Do you know if Col Allan ever  
 25 referred to an employee as a, quote, damn